

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

GARY WILLIAMS,	:	
	:	
Plaintiff	:	CIVIL NO. 1:13-CV-00849
	:	
v.	:	(Judge Kane)
	:	
LACKAWANNA COUNTY PRISON, <u>et al.</u>,	:	
	:	
Defendants	:	

ORDER

NOW, THEREFORE, THIS 10th DAY OF AUGUST, 2015, upon consideration of Defendants' motion to dismiss (Doc. No. 14), Plaintiff's motion for leave to supplement the complaint (Doc. No. 33), Plaintiff's motion for joinder (Doc. No. 35), and for the reasons set forth in the accompanying Memorandum, **IT IS HEREBY ORDERED THAT:**

1) Defendant's Motion to Dismiss (Doc. No. 14) is **GRANTED IN PART** as follows:

a) Plaintiff's claim of violation of his right of access to the courts is

DISMISSED;

b) Plaintiff's claims regarding the unresponsiveness of the prison grievance system are **DISMISSED;**

c) Plaintiff's claim of violation of his First Amendment rights due to the opening of his legal mail outside of his presence shall be allowed to proceed;

2) Plaintiff's Motion to for Leave to Supplement the Complaint (Doc. No. 33) is **GRANTED**. Plaintiff's proposed supplemental complaint (Doc. No. 34) is accepted for filing and shall be docketed as the Supplemental Complaint.

3) All claims in the Supplemental Complaint against Warden McMillan, Assistant Warden Langan, Captain Yavorski, Lieutenant Murray, Disciplinary Hearing Officer Fanning,

and Sergeant Kennedy are hereby **DISMISSED**.

3) Plaintiff's motion for joinder (Doc. No. 35) is hereby **DENIED**.

S/ Yvette Kane
YVETTE KANE,
United States District Judge
United States District Court
Middle District of Pennsylvania